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| 10/643,819 | 08/18/2003 | Ernest Chuang | | 5162 |

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| EXAMINER |
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WEIS, SAMUEL

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10/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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|------------------------------|--------------------------------------|--------------------------------------|--|
| Office Action Summary | Application No. 10/643,819 | Applicant(s) CHUANG ET AL. | |
| | Examiner SETH WEIS | Art Unit 3695 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This is in response to the Applicant's amendment filed July 24, 2008. Claims 1, 6, and 12 have been amended and claim 13 has been added. Claims 1-13 have been examined.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Green et al. ("Green"), U.S. Pat. No. 6,041,310, in view of Brockman et al. ("Brockman"), U.S. Pat. No. 6,125,356.

As to claims 1 and 12, Green discloses a system for assisting in selling vehicles, the system comprising an application server, a database server connected with the application server by a network, wherein:
the application server comprises a cache manager, a replication manager, and a domain manager, wherein:
the cache manager is used to receive and store information sent by the mobile terminals and the database server;

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the replication manager comprises a first data filter module, which is used to filter information added in the database server, and to modify existing information in the database server and the mobile terminals; and

the domain manager is used to manage domains;

a budget module, a link-switching module, a data synchronization module, a second data filter module, and a data storage, wherein:

the data storage is used for storing information downloaded from the application server and input from the mobile terminals;

the link-switching module is used for switching states of connection as between the mobile terminal and the application server, said states of connection comprising a connected state and a disconnected state;

the budget module is used for calculating fees relating to vehicles within the purview of a client, using budget definition information stored in the data storage;

the data synchronization module is used for downloading information for synchronization from the application server, and for storing the downloaded information in the data storage; and

the second data filter module is used for filtering modification of data stored in the data storage, said modification performed when the mobile terminal is in the disconnected state, and for sending data thus modified to the data synchronization module; and

the database server is used for storing information on clients, vehicles, employees and budget definitions [See abstract and claims and col. 5, lines 27-37, col. 6, lines 37-53].

Green does not explicitly disclose using a mobile computing terminal. However, Brockman teaches a handheld computer unit utilized as a portable sales device. Therefore, it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to include the aforementioned limitations as disclosed by Brockman within Green for the motivation of making it portable.

As to claim 2, Green discloses wherein the budget module further comprises an installment budget sub-module, a government fees budget sub-module, an insurance payment budget sub-module, and a budget plan menu generating sub-module (abstract).

As to claim 3, Green discloses wherein each of the terminals further comprises an information searching module for searching information stored in the data storage (abstract and col. 6, lines 37-53).

As to claims 4 and 13, Green discloses wherein each of the mobile terminals further comprises an account setting module for setting dial-up accounts for connections in regions which a user of the mobile terminal routinely visits (col. 7, lines 46-67).

As to claim 5, Brockman discloses wherein each of the mobile terminals can be a personal digital assistant, a laptop computer, or a smart phone (abstract).

As to claim 6, Green discloses method for assisting in selling vehicles, the method comprising the following steps:

- (a) connecting a mobile terminal with an application server;
- (b) sending a synchronization request to the application server;
- (c) synchronizing information stored in a database server and in the mobile

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terminal;

(d) selecting from a data storage information on a vehicle within the purview of a client, including information on fees relating to the vehicle; and

(e) using one or more preset formulas to calculate fees payable in relation to the vehicle, and displaying a budget plan result on the mobile terminal [See abstract and claims and col. 5, lines 27-37, col. 6, lines 37-53].

As to claim 7, Green discloses searching and checking the information synchronized [See abstract and claims and col. 5, lines 27-37, col. 6, lines 37-53].

As to claim 8, Green discloses wherein said information synchronized comprises information on any one or more of clients, vehicles, and employees [See abstract and claims and col. 5, lines 27-37, col. 6, lines 37-53].

As to claim 9, Green discloses selecting one or more budgetary parameters [See abstract and claims and col. 5, lines 27-37, col. 6, lines 37-53].

As to claim 10, Green discloses wherein the one or more preset formulas are stored in data storage [See abstract and claims and col. 5, lines 27-37, col. 6, lines 37-53].

As to claim 11, Green discloses cutting the connection between the mobile terminal and the application server after synchronization [See abstract and claims and col. 5, lines 27-37, col. 6, lines 37-53].

Furthermore, claims directed to an apparatus must be distinguished from the prior art in terms of structure rather than function, *In re Danly*, 263 F.2d 844, 847, 120 USPQ 528, 531 (CCPA 1959). A claim containing a "recitation with respect to the

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manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus" if the prior art apparatus teaches all the structural limitations of the claim. Ex parte Masham, 2 USPQ2d 1647 (Bd Pat. App & Inter. 1987). For example, the phrase "is used to" or "is used for" is intended use and any limitation following this phrase is given no patentable weight. Thus, the structural limitation of claims 1-5 and 12-13 including application server, database server, network, mobile terminals, cache manager, link-switching module are disclosed by Green and Brockman as described above. Also, as described above, the functional limitations in claims 1-5 and 12-13 do not distinguish the claimed apparatus from the prior art.

Examiner's Note: The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

4. Applicant's arguments filed July 24, 2008, have been fully considered but they are not persuasive.

Applicant only argues limitations that follow an intended use phrase, "is used to (for)." Since these limitations have no patentable weight as discussed above, the arguments have no merit.

The Applicant is encouraged to amend the claims to adequately describe both the functional and structural limitations and not how the structure is to be utilized.

Applicant is encouraged to contact the Examiner if there are any questions.

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SETH WEIS whose telephone number is (571)272-1882. The examiner can normally be reached on 8:30 to 5, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Kramer can be reached on (571) 272-6783. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Stefanos Karmis/
Primary Examiner, Art Unit 3693